

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Development Department 'A'

#### Notification

CDB/Coop/360/70-71/72

The following draft of an amendment which is proposed to be made to the Goa, Daman and Diu Agricultural Produce Marketing (Regulation) Rules, 1969 is hereby published for general information. Notice is hereby given that the said draft will be taken into consideration by the Government on the expiry of fifteen days from the date of publication of this notification in the Official Gazette. All objections and suggestions regarding the draft amendment may be sent to the Under Secretary to the Government of Goa, Daman and Diu, in the Development Department, Secretariat, Panaji, before the expiry of fifteen days from the date of publication of this notification in the Official Gazette so that they may be taken into consideration at the time of finalization of the proposed amendment.

In exercise of the powers conferred by sub-section (1) and (2) of section 60 of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, as applicable to the Union Territory of Goa, Daman and Diu, the Administrator of Goa, Daman and Diu hereby makes as follows the 3rd amendment to the Goa, Daman and Diu Agricultural Produce Marketing (Regulation) Rules, 1969.

**1. Short title and commencement.** — (1) These Rules may be called the Goa, Daman and Diu Agricultural Produce Marketing (Regulation) (3rd Amendment) Rules, 1972.

(2) They shall come into force at once.

**2. Amendment of Rule 35.** — For the existing Rule 35 of the Goa, Daman and Diu Agricultural Produce Marketing (Regulations) Rules, 1969 (hereinafter referred to as "principal Rules") the following new Rule shall be substituted, namely: —

"35. Division of Market area into constituencies: —

(1) For the purposes of electing ten agriculturists and three members to be elected by traders and commission agents as provided by

clause (a) and (b) of sub-section (1) of Section 13 every market area shall consist of

- (a) Cooperative Societies' constituency;
- (b) Village Panchayats' constituency;
- (c) Traders' constituency;

(2) Each such constituency shall consist of the whole of the market area".

**3. Amendment of Rule 36.** — (1) For the existing sub-rule (1) of Rule 36 of the principal rules the following new rule shall be substituted, namely: —

"(1) The Collector shall cause to be prepared lists of voters separately for each of the three constituencies. He shall call upon —

(a) The Registrar of Cooperative Societies to prepare and furnish to him a list of members of the Managing Committees of the Agricultural Credit Societies and Multipurpose Cooperative Societies;

(b) The Block Development Officer to prepare and furnish to him a list of the members of the Village Panchayats functioning in the Market Area, and

(c) The Market Committee to prepare and furnish to him the names of all the persons qualified to vote in the readers' constituency from the register maintained by the Committee under rule 6, within such time as may be specified by him.

Provided that, where a person qualified to vote in a Traders' Constituency is a firm or body corporate (including a co-operative society), such firm or body shall nominate a person (being a person who is either a partner of the firm or a member of the managing committee in the case of a cooperative society or a person duly authorised by any other body corporate) to vote on its behalf and intimate the name of that person to the Collector within such time as he may fix in that behalf for being included in the list of voters as representing that firm or body:

Provided further that, if such firm or body is holding more than one licence, nevertheless, it shall not nominate more than one person as aforesaid."

(2) In proviso to sub-rule (2) of Rule 36, the words "in the case of the list of voters for the traders' constituency" shall be omitted.

(3) For the existing sub-rule (3) of Rule 36 the following new sub-rule shall be substituted, namely:—

“(3) Every list of voters shall show in alphabetical order the full name, age, residence, serial number of the voter, the nature of his qualification and the name of the society or as the case may be, of the village Panchayat”.

(4) Sub-rule (4) and (5) of Rule 36 shall be deleted.

(5) In sub-rule (8) of Rule 36 the words “and the area in the list for which he is entered” shall be omitted.

**4. Amendment of Rule 38.**—For the existing Rule 38 of the Principal Rules the following new Rule shall be substituted, namely:—

“38. Persons qualified to be elected.—(1) Every person who is an agriculturist, and who is residing in the market area and is not less than twenty-one years of age on such date as the Collector may for the purposes of any election or bye-election specify in this behalf shall, unless disqualified under these rules, be qualified to be elected.

(2) Every person whose name is in the list of voters of the traders' constituency shall, unless disqualified under these rules, be qualified to be elected; and every person whose name is not in such list shall not be qualified to be elected from that constituency.

Explanation:—(1) A person shall be deemed to reside ordinarily within the market area if he—

(a) has actually resided therein for an aggregate period of not less than 180 days during the calendar year preceding that in which the list of voters for the time being under preparation for Cooperative Societies' or Village Panchayats constituency is provisionally published under sub-rule (6) of rule 36, or

(b) has maintained within the market area for an aggregate period of not less than 180 days during the calendar year preceding that in which the list of voters for the time being under preparation for such area is provisionally published under sub-rule (6) of rule 36, a dwelling for himself in charge of his dependents or servants and has visited such dwelling during the year first mentioned in connection with his business in the constituency.

(3) If any question arises whether any person is or is not an agriculturist residing in the market area for the purpose of this rule, matter shall be decided by the State Marketing Officer as provided by sub-section (2) of section 2”.

**5. Amendment of rule 39.**—Sub-rule (4) of Rule 39 of the Principal Rules, shall be deleted.

**6. Amendment of Rule 41.**—In item (ii) of sub-rule (2) of Rule 41 of the principal Rules for the words “agriculturists' constituency” the words “the co-operative Societies constituency or the Vil-

lage Panchayats' constituency, for agriculturists” shall be substituted.

**7. Amendment of Rule 45.**—(1) In sub-rule (3) of Rule 45 of the Principal Rules for the words “Returning Officer shall satisfy himself that the names and the numbers in the list of voters of the candidate and his proposer as entered in the nomination paper are the same as those entered in the list of voters.” The words “Returning Officer shall satisfy himself that the candidate is an agriculturist falling within the provisions of clause (a) of sub-section (1) of section 13 and the name and number in the list of voters of the proposer as entered in the nomination paper are the same as those entered in the list of voters” shall be substituted.

(2) In proviso to the said sub-rule (3) for the words “the said names or numbers” the words “the said name or number” shall be substituted.

(3) sub-rule (4) of Rule 45 shall be deleted.

**8. Amendment of Rule 58.**—For the existing sub-rule (2) of the Rule 58 of the Principal Rules the following new sub-rule shall be substituted, namely:—

“(2) Every voter shall have as many votes as there are members to be elected on behalf of the constituency, but he shall not have more than one vote for one candidate”.

**9. Amendment of Rule 89.**—In clause (c) of sub-rule (1) of Rule 89 of the Principal Rules for the words “representing an agriculturists' constituency” the words “of the managing committee of the agricultural credit society or of the multipurpose co-operative Society representing the co-operative societies constituency or has ceased to be a member of the Village Panchayat representing Village Panchayats' constituency” shall be substituted.

**10. Amendment of Rule 97.**—For the existing clause (b) of sub-rule (1) of Rule 97 the following new clause shall be substituted, namely:—

“(b) two members elected from the co-operative Societies' constituency and one member elected from the Village Panchayats' constituency.”

By order and in the name of the Administrator of Goa, Daman and Diu.

*Abel do Rosario*, Under Secretary (Development).  
Panaji, 14th June, 1972.

Labour and Information Department

#### Notification

3/1/72/PB/1030

The Payment of Wages (Deductions for National Defence Fund and Defence Savings Schemes) Rules, 1972.

#### RULES

In pursuance of clause (ii) of sub-section (2) of Section 7 and in exercise of the powers conferred

by Section 26, of the Payment of Wages Act, 1936 (4 of 1936) the Government of Goa, Daman and Diu hereby makes the following rules namely:—

**I. Title, application and extent.**— (1) These rules may be called the Payment of Wages (Deductions for National Defence Fund and Defence Savings Schemes) Rules, 1972.

(2) These rules shall apply to persons employed in factories and other industrial establishments in relation to which appropriate Government is State Government for the purpose of implementation of the Act.

(3) They extend to the whole of Union Territory of Goa, Daman and Diu.

**II. Definitions.**— In these rules, —

- (a) "Act" means the Payment of Wages Act, 1936.
- (b) "Section" means a section of the Act.

**III. Conditions for making deductions.**— The conditions for making deductions in pursuance of clause (ii) of sub-section (2) of Section 7 from the wages of the employed persons for contribution to the National Defence Fund or to any Defence Savings Scheme approved by the State Government with the written authorisation of the President or Secretary of the registered trade unions of which the employed person is a member shall be as follows:—

A) the President, in his absence, the Secretary of such trade union shall forward.

- (i) In duplicate to the employer, a copy of the list of the employed person who are members of the trade union indicating therein the amount or extent of deductions which are to be made from the wages of each employed person and also, where the deductions are to continue for more than one wage period, the total period during which such deductions are to be made, and a copy of the resolution adopted at a meeting of such trade union authorising such deductions;

- (ii) a copy of the list and resolution to the person who acts as an inspector for the purposes of the Act.

B) the employer shall display in a conspicuous place of the establishment one of the two copies of the said list and resolution received from the President or Secretary, as the case may be, of the trade union, for at least a period of three consecutive days immediately preceding the day on which the deductions are to be made from the wages of the employed persons; and

C) if an employed person objects in writing to deductions being made from his wages up to the amount or extent of deductions indicating in the list displayed by the employer no deductions shall be made from his wages except in accor-

dance with the written authorisation of such employed person.

By order and in the name of the Administrator of Goa, Daman and Diu.

P. Noronha, Under Secretary, Industries & Labour.  
Panaji, 12th June, 1972.

## Mormugao Port Trust

### Notification

MPT/IGA(77)/72

As required under Section 124(2) of the Major Port Trusts Act, 1963, the following amendment to the Mormugao Port Employees' (Study Leave) Regulations, 1964 adopted by the Board of Trustees is hereby published:—

Substitute the following for Regulation 18 of the Mormugao Port Employees' (Study Leave) Regulations, 1964.

"18 — Resignation and Retirement:— (1) If an employee resigns or retires from service without returning to duty after a period of study leave or within a period of three years, after such return to duty, he shall be required to refund:—

(i) the actual amount of leave salary, study allowance, cost of fees, travelling and other expenses, if any, incurred by the Board; and

(ii) the actual amount, if any, of the cost incurred by other agencies, e.g. Foreign Governments, Foundations, Trusts, etc. in connection with the course of study, together with interest thereon, at rates that may be prescribed by the Board, from the date of demand, before his resignation is accepted, or permission, to retire is granted.

Provided that nothing in this regulation shall apply:

(a) to an employee who on return to duty from leave is permitted to retire from service on medical grounds; and

(b) to an employee who, after return to duty from study leave is deputed to serve in any statutory or autonomous body or institutions under the control of the Government and subsequently permitted to resign from service under the Board with a view to his permanent absorption in the said statutory or autonomous body or institutions, in the Public interest.

(2) The study leave availed of by such an employee shall be converted into regular leave standing at his credit on the date on which the study leave commenced, any regular leave in continuation of study leave, being suitably adjusted for the purpose and the balance of the period of study leave, if any, which cannot be so converted, treated as extraordinary leave. In addition to the amount to be refunded by the employee under sub-regulation (1), he shall be required to refund any excess of

leave salary actually drawn over the leave salary admissible on conversion of the study leave.

to be refunded under sub-regulation (1) by the employee concerned or class of employees."

(3) Notwithstanding anything contained in this regulation, the Board may, if it is necessary or expedient to do so either in public interest or having regard to the peculiar circumstances of the case or class of cases, waive or reduce the amount required

By order,

*Shivakumar Dhindaw*  
Secretary

Mormugao, 22nd March, 1972.